

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.21553 of 1996

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Dated: 02.01.2006

Between:

P. Sripathi Rao, S/o Muralidhar Rao, O/o Technical Apprentice
in Training and Automobile Engineer, Regional Manager Office,
APSRTC, Karimnagar District.

..... PETITIONER

AND

1 The Senior Manager (Personnel), A.P.S.R.T.C., Karimnagar
Region, Karimnagar District and others.

.....RESPONDENTS

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Order:

By this writ petition, the petitioner seeks a direction to the respondents-Corporation to consider his case for appointment as Mechanical Supervisor in Automobiles.

The case of the petitioner is that he is an Automobile Engineer and he had undergone apprenticeship training in respondent No.3-College from 27.08.1993 to 26.08.1994. While he was undergoing the training, respondent No.2, vide

publication dated 09.09.1993, invited applications for the post of Traffic Supervisor (Trainee). Questioning the age prescribed for eligibility to apply for the said posts, he filed W.P. No. 14458 of 1993, which was dismissed by order dated 09.10.1993 observing that as the petitioner was working since August, 1993, his claim was pre-mature. It is stated that he appeared for written examination held on 25.09.1994 with Roll No.44122412, but the respondents-Corporation has not declared his results and not considered his case for appointment to the said post. The grievance of the petitioner is that as the authorities of the APSRTC relaxed his age at the time of his training as technical apprentice in Automobile Engineering, there is no requirement for him to obtain relaxation of age once again for appointment as mechanical supervisor in the APSRTC, and sought to direct the respondents-Corporation to consider his case for appointment as Mechanical Supervisor in Automobile.

Heard the learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner is qualified for appointment to the post of Mechanical Supervisor, and in pursuance of the notification issued by respondent No.2, the petitioner appeared for the written test, but his result was not declared. He submits that since the petitioner is over-aged, there is likelihood of his not being considered for appointment to the post of Mechanical Supervisor. He submits that since the petitioner had undergone training as apprentice with the respondents-corporation, he should be given relaxation in age.

Even though the writ petition was admitted on 10.10.1996, no counter affidavit is filed by the respondents-Corporation so far. Further, when the matter is taken up for hearing today, none appears for respondents-Corporation nor is there any representation made on its behalf.

The case of the petitioner is that he is qualified for the post of Mechanical Supervisor in Automobiles and he appeared for the written test conducted by respondent No.2, but his result was not declared, and his case for appointment to the said post is not being considered by the respondents-Corporation, and he apprehends that the respondents-Corporation may not consider his case, because he is over-aged now.

Though the writ petition was admitted in the year 1996, there is no

counter affidavit filed by the respondents-Corporation rebutting the averments made by the petitioner in the writ petition, and even there is no representation on behalf of respondents-Corporation. In the absence of any counter filed by the respondents-corporation rebutting the allegations made in the affidavit filed in support of the writ petition, this Court has no other alternative, except to presume that the averments made in the writ petition, are true and correct.

In the circumstances, taking the averments made by the petitioner in the writ petition to be true and correct, the writ petition is allowed. Respondent No.2 is directed to consider the case of the petitioner for appointment to a suitable post and pass appropriate speaking orders in accordance with the appointment procedure and rules and communicate the same to the petitioner as expeditiously as possible. No costs.

N.V. RAMANA, J.

Date: 02.01.2006

Tvk/Nsr